

# THE DAILY COMMONWEALTH.

VOL. 9

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# THE COMMONWEALTH.

## KENTUCKY LEGISLATURE.

IN THE SENATE.

TUESDAY, Feb. 2, 1860

The Senate was opened with prayer by Rev. W. T. Moore, of the Reform Church.

The Journal of yesterday was read by the Clerk.

### PETITIONS AND REMONSTRANCES

Were presented by Messrs. CISELL, GILLISS, READ, (a remonstrance,) RHEA, CHAMBERS, FISH, and FISK (a remonstrance,) and they were referred to appropriate committees.

### A MESSAGE FROM THE H. R.

Was received, announcing their disagreement to several Senate bills; also the passage of several Senate bills, and the passage, by the H. R. of several bills which originated in that House.

### ENROLLMENTS.

Mr. GILLISS, from the Enrollment committee, made a report of sundry bills correctly enrolled, and they were then signed by the Speaker.

### RECONSIDERATION.

Mr. READ moved a reconsideration of the vote by which the apportionment bill was ordered to a third reading: carried.

Mr. READ then moved a reconsideration of the vote by which Mr. McKEE's amendment was rejected: carried by yeas, 23; nays, 11, and the vote was reconsidered.

### REPORTS OF COMMITTEES.

The unfinished report of the Finance committee, being their request to be discharged from leave to bring in a bill for the benefit of certain citizens of Carter county, was taken up: discharged.

Mr. DEHAVEN—Finance—a bill for the benefit of John Cummings, of Rockcastle county.

Mr. GLENN moved to recommit the bill with instructions to bring in a general law providing for conveying Lunatics to Asylums. [This bill being an appropriation of \$120 for conveying a pauper Lunatic to the Asylum at Hopkinsville by order of court:] negative.

The bill was then passed by yeas, 34; nays, 0.

### RECONSIDERATION.

The vote discharging the Finance committee from leave to bring in a bill for the benefit of citizens of Carter county was, on motion of Mr. GLENN, reconsidered.

Mr. ANDREWS addressed the Senate in opposition to the discharge, and detailed the facts in the case.

Mr. RUST also opposed the discharge briefly.

Mr. DEHAVEN explained the action of the committee in the case.

The Senate then discharged the committee.

### COMMUNICATION FROM OHIO.

The Speaker laid before the Senate a communication from the Hon. Lewis D. CAMPBELL, of Hamilton, Ohio, communicating the resolutions of the citizens of that city and Butler county, Ohio, regretting that they had not the pleasure of extending courtesies to the Legislature of Kentucky on account of the refusal of the officers of the Railroad to stop the train on which the guests of Ohio passed through that city, and expressing their attachment to the Union.—A committee was appointed to respond to the resolutions, and the resolutions were ordered to be printed.

### REPORTS RESUMED.

Mr. DEHAVEN—Finance—a bill for the benefit of F. McNEIL, of Louisville. [appropriates \$400 overpaid on Billiard tables.]

Mr. ALEXANDER opposed the bill in an able argument, of considerable length.

Mr. READ replied to Mr. ALEXANDER, and advocated the bill briefly.

Mr. PENNEBAKER also replied to Mr. ALEXANDER, and advocated the bill at length.

Mr. DEHAVEN opposed the bill in a few able remarks.

Mr. FISK advocated the bill, and before he concluded the hour arrived for

### THE ORDERS OF THE DAY.

Mr. READ moved that the orders be dispensed with to complete action on the bill for the benefit of F. McNEIL: rejected.

### APPORTIONMENT BILL.

The Senate resumed the reconsideration of the bill to apportion representation: the Senate bill was adopted as a substitute for the House bill.

The question then came up on the amendment of Mr. McKEE, which was rejected on yesterday, but reconsidered this morning.

Mr. McKEE in a few humorous remarks advocated his amendment, and paid his respects to Mr. FISK and Mr. PRALL in reply to their speech of yesterday in opposition to his amendment; his remarks were well received by the Senate.

Mr. PHILL replied to Mr. McKEE in a purely Democratic political speech.

Mr. BRUNER replied to Mr. PRALL and advocated the amendment briefly.

Mr. GLENN addressed the Senate in opposition to the bill; he considered the apportionment into the Senatorial districts very unequal, and he could not support it, as he thought it might be made much more equal in the voters.

The vote was then taken upon the adoption of Mr. McKEE's amendment, and it was rejected—yeas, 16; nays, 17.

The bill was then ordered to a third reading; reading dispensed with, and

Mr. GLENN moved that a vote be taken upon that portion of the bill apportioning the representation in the H. R. first, and on the Senatorial districts afterwards, being a division of the question.

The Speaker decided the motion out of order; as you cannot divide a bill on its final passage, the vote must be taken upon the bill as a whole, it cannot be divided without destroying the whole bill.

Mr. GLENN appealed from the decision of the Speaker.

The vote was taken shall the decision of the Chair stand as the decision of the Senate; decided in the affirmative—yeas, 29; nays, 3.

The bill was then passed by yeas, 29; nays, 3.

Mr. SPEAKER.—Mr. SPEAKER, (Porter,) Barrick, Boles, Ciseill, Cosh, Drenaby, Dellahey, Fisk, Grover, Irvin, Johnson, Marshall, Prall Read, Rust, White, Walker, Walton—18.

N. S.—Anthony, Bruner, Deuny, Gibson, Gilliss, Gleum, Haycraft, Jenkins, Lyons, Me-Bray, McKEE, Rhea, Taylor, Whittaker—15.

### MOTION TO RECONSIDER.

Mr. FISK moved to reconsider the vote passing the bill.

Mr. PRALL moved to lay that motion on the table: carried. Free and Accepted Masons: passed.

### RECONSIDERATION.

Mr. READ moved to reconsider the vote by which the bill to amend the charter of the Louisville and Nashville Railroad Company was passed.

Mr. CISELL—JUDICIARY—a bill to amend the charter of the Louisville and Nashville Railroad Company: passed.

Same—a bill to provide for a more efficient police for certain portions of Kenton county: passed.

Same—a bill to provide for a settlement with Newton Craig, late keeper of the Kentucky Penitentiary: passed.

Same—a bill to incorporate the Washington Literary Association at Louisville: passed.

Same—a bill to change the name of Shillier Edge, No. 64, I. O. O. F., in Louisville, passed.

Same—a bill to incorporate Kentucky Lodge, No. 1, American Protestant Association, at Newport: passed.

Same—a bill establishing an office for recording of deeds and mortgages at Covington: passed.

Same—a bill for the benefit of E. B. Bartlett, late Clerk of the Kenton Circuit Court: passed.

Same—a bill for the benefit of James Trimble, and others, of Floyd county: passed.

Same—a bill to incorporate the Grand Lodge of the Ancient Order of German Hurley of Kentucky: passed.

Same—a bill to amend the charter of the South-western Agricultural and Mechanical Association: passed.

Same—a bill to amend the charter of the Mechanics Institute of Louisville: passed.

Same—a bill to incorporate Independence Lodge, No. 3, Ancient Order of Good Fellowship: passed.

Same—a bill for the benefit of John Friend, late Sheriff of Floyd county: passed.

Same—a bill to incorporate Newport Lodge, No. 35, Free and Accepted Masons: passed.

### RECONSIDERATION.

Mr. READ moved to reconsider the vote by which the bill to amend the charter of the Louisville and Nashville Railroad Company was passed.

[The bill passed allows the Company to discriminate in favor of through freight or freight going a long distance, over that going a less distance, and the same discrimination in relation to passengers; and may contract with other roads in relation to the transportation of freight.]

After some discussion by Messrs. FISK and WOOD in favor, and McELROY in opposition, the vote was reconsidered.

Mr. ARMSTRONG offered an amendment that whenever said Company shall charge more than four cents per mile, the excess shall be divided amongst those counties and cities subscribing stock in said road: passed.

The bill and amendment were then committed to select committee, to report to-morrow at half past 10 o'clock.

### EVENING SESSION.

Leave of absence was granted to Mr. PENNEBAKER for this evening.

The Senate took up the message of the Governor nominating Bank and Railroad Directors, and the nominations advised and consented to.

[The names of the gentlemen nominated were published in our report of yesterday.]

### ORDERS OF THE DAY—RESUMED.

The bill to repeal the laws now in force prohibiting the importation of Slaves into this State from other States was taken up.

Mr. CISELL had offered an amendment to the bill, prohibiting the importation of negroes run off from other States for crime or convicted of crimes in other States.

Mr. CISELL addressed the Senate in opposition to the bill, and in favor of his amendment.

If the bill is to pass, he wished his amendment adopted to it. He avowed himself as a thorough Southern pro-slavery man, but as a question of policy he was opposed to throwing open the doors for the influx of worthless and vicious negroes from other States, and he believed that would be the character of slaves which would be imported. Mr. C. spoke at length, and ably urged the bill.

When Mr. CISELL concluded it was nearly 5 o'clock.

Mr. READ obtained the floor, but yielded it to a motion to pass over the bill until to-morrow at 12 o'clock; he then having the floor.

### H. R. BILLS.

On the Clerk's table were taken up, read the first and second times by their titles, and referred to appropriate committees.

### A. H. R. BILLS.

A. H. R. bill to legalize the election of the Police Judge and Marshal for the town of Muncie, was taken up and passed.

A. H. R. bill to authorize the establishment of a State road from Caseyville to Providence, in Hopkins county: passed.

A. H. R. bill to legalize the marriage of J. T. & Nancy Michael: passed.

A. H. R. bill to authorize the Trustees of Campsville to sell the public Spring lot in said town: passed.

A. H. R. bill to amend the charter of Bardstown: passed.

A. H. R. bill for the benefit of the Mechanics in Warren and other counties.

Mr. JOHNSON offered an amendment extending the provisions of the bill to the several counties in his district, naming them; amendment adopted.

The question was then taken upon the adoption of the amendment, and it was decided in the negative: yeas, 23; nays, 58.

Mr. HOICE moved the previous question: carried.

The bill was then rejected—yeas, 45; nays, 47.

Mr. Ewing offered an amendment, providing that Stanton shall include and copy into the Statutes the general acts of this Legislature, and directs the Secretary of State to furnish said copies to be deposited in the Library for distribution among the different States; the work to be received as evidence and authority in all the courts and tribunals of the State.]

Mr. RIDDLE offered an amendment, giving each County Surveyor one copy: adopted.

Mr. Ewing offered an amendment to the effect that Mr. Stanton shall include and copy into the Statutes the general acts of this Legislature, and directs the Secretary of State to furnish said copies to be deposited in the Library for distribution among the different States; the work to be received as evidence and authority in all the courts and tribunals of the State.]

Mr. RIDDLE offered an amendment giving each member of the present General Assembly one copy: rejected—yeas, 3; nays, 85.

Mr. Ewing offered an amendment, providing that Stanton shall furnish each member of this General Assembly with a copy at the same price paid by the State, if they desire them: adopted.

Mr. LEACH moved to reconsider the vote adopting the amendment: carried.

The question was then taken upon the adoption of the amendment, and it was decided in the negative: yeas, 23; nays, 58.

Mr. HOICE moved the previous question: carried.

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THE COMMONWEALTH.  
FRANKFORT.

THOMAS M. GREEN, Editor.

FRIDAY, FEBRUARY 3, 1860.

To Members of the Legislature.

Extra copies of the *Daily Commonwealth*, put up in wrappers, ready for mailing, will be furnished at 2 cents each, and extra copies of the *Weekly* put up in wrappers at 4 cents each.

Gentlemen wishing extra copies of either the *Daily* or *Weekly* will please leave their orders beforehand at this office, or with JOHN M. TOWN, in the H. R., or G. W. LEWIS, in the Senate, Reporters for this paper. Orders for the *Weekly* must be left by Saturday evening of each week, as it is published on Monday; and for the *Daily* the day before the publication of the paper which is wanted.

The long agony is at last over. Congress has been organized by the election of a very moderate Republican Speaker—Gov. PENNINGTON, of New Jersey. Gov. Pennington is of Whig antecedents, but voted for Fremont and Dayton in 1856. He belongs to the Corwin School of Republicans who are so moderate in their views that we are induced to believe that they would readily waive all action on the slavery question for the sake of harmony and peace. Certainly Mr. Pennington should never have received the vote of a solitary Southern Opposition Congressman, and we are gratified to see that they did all in their power to prevent the election of any one at all identified with the Republican organization. Now that their efforts were unsuccessful, we can only hope that the Speaker elect may discharge his duties fairly, impartially and efficiently. It is a matter of doubt whether or not the election of any able, sensible, and moderate man was not preferable to a continuation of the turmoil, strife, and ill blood, consequent upon the failure to organize. Still we would not have contributed to the result, but would have resisted it to the last. Now that an election has been had, we trust that Congress will for a time abandon the everlasting negro, and devote themselves to the practical business interests of the country.

On yesterday Mr. CINSELL made an able speech in opposition to the *Repeal* of the law of 1833, which we trust will have a good effect upon the Senate. We repeat our earnest hope that the Senate will exercise the conservative power given to it by the Constitution and reject the *House* bill. As the law now stands, the farmer, the manufacturer, the mechanic, and every class of our citizens, can freely import slaves from other States, the only restriction upon them being on which is absolutely necessary to make the purchaser careful that the slave shall be of good character. The law does not prohibit men who really need the labor of slaves for their own use from bringing into the State the only description of servants which such men want or the good of the Commonwealth permits to be brought in. The penalty for selling slaves within a specified time is necessary to prevent their importation under false pretenses. The law only excludes the vicious and insubordinate slaves of other States, who are a curse to any community in which they may live. It does prohibit men from bringing slaves to Kentucky for the purpose of traffic, and this is the best feature of the bill. It does strike at the speculator in human flesh; at the buzzard who hovers about, seeking criminals, and unmanageable negroes, whom he can buy at a few price from those who are anxious to get rid of them, for the purpose of transporting them to localities where their infamous and dangerous character is unknown, and then selling them at the peril of the lives and property of the buyers, and of what is more precious than either life or property—the honor of those dearest to them; can any humane man, can any slaveholder object to this?

SENATOR FISK AND THE BANK OFFICERS.—In his argument against the bill to increase the capital of the Commercial Bank, and allow it to create additional branches, Senator Fisk took occasion to make a sweeping charge against the bank officers of the State as being men who had no capacity to manage their own private business, but who had failed as commissioners, merchants, &c. He mentioned as among the honorable exceptions the Senator (Taylor), from Mason, who was a Bank President, and he had never failed in anything he undertook. He said he well remembered the importation of such bank officers into Maysville, as he had described, while he lived there, but he would not designate them by name.

Mr. Pennebaker replied to these remarks of Mr. Fisk, and showed that the charge was unjust and untrue so far as the Louisville Bank officers were concerned. They were all, with one single exception, gentlemen of fortune, who have made their own fortunes by their own industry and economy. And the bond of the gentleman mentioned as an exception, was ample with the very best security for all his liability as cashier.

Mr. Pennebaker further stated that there was no ground for such charges against the officers of any of the Banks of Kentucky. The charactors of the banks require their officers to be solvent men, or to be made so by ample bonds. They are all good, reliable, accommodating gentlemen—many of them men of large fortune, who have retired from business with their own earnings invested in stocks, and have been honored by election to their offices from their known worth and integrity. This is the character of the officers of the Bank of Covington, but Mr. Pennebaker did not believe that there were such bank officers even in Covington.

Experience is probably the best teacher, and Dr. Bull seems to have concentrated the teachings of a long medical life in the preparation of his *Vegetable Worm Destroyer*. Its effects upon the worms are magical, while the form of caudal drops in which it is prepared, renders children very fond of it. No mother should be without it.

Kentucky State Agricultural Society—

The next State Fair.

A meeting of the Board of Directors of the State Agricultural Society, will be held at Frankfort, on the 23d day of February, 1860, for the purpose, among other business, of receiving from the several local Societies in the State, propositions for holding with them the *Fifth Annual Kentucky State Fair*. Parties making propositions will please accompany them by statements of the extent of their grounds, the size and character of their buildings, fences, &c., and the nature of the public thoroughfares by which they are reached.

At this meeting, many public documents will be ready for distribution to members of the State Society, and also for delivery to officers of County or District Societies for distribution among their members.

L. J. BRADFORD, Pres't.

The patriotic speech of Hon. J. J. Crittenden at the Peyton dinner has called down upon him many denunciations from some of the Democratic press, who cannot bear that any attempt shall be made to rid the country of the sectional jealousies engendered by their miserable blunders in managing the affairs of Government. A brainless editor in Southern Kentucky answers at Mr. Crittenden's devotion to the country, and attributes his remarks to selfish motives. The hatred which the Democracy cherish for the Union is so great that they doubt the sincerity of those whose noblest efforts have been made in advocating its preservation. It is eminently appropriate that an avowed nullifier should become the traducer of one whose life has been spent in maintaining the laws.

The CALICO BALL.—The Ball on Wednesday night was a complete success, and all united in regarding it as the most brilliant one yet given by the Club. The expressions of satisfaction are universal. The dresses were beautiful, the fair wearers never having looked more charming. From the flaring red to the deep blue, every variety of color and hue were there, setting off to the finest advantage the fairy forms of many of the most beautiful of Earth's daughters. The entire scene had a *homelike* appearance which gave the bachelors the blues, which could only be driven away by the sweet hopes inspired by the bright eyes around them. Ladies decked in silks, satins and laces are certainly dangerous, but in calico they are perfectly irresistible.

We were pleased to see the gallant Senator from Breckinridge, (Mr. BAUNX), in his seat on yesterday dressed in a very handsome suit of homespun, just such a suit as was suitable for the "Calico Ball" which took place the night before. We would like to see the example of Senator Bruner and Senator Andrews, (who was then wearing a domestic suit all the winter), followed, not only by other Senators, but our citizens generally. We are in favor of the American system, and the encouragement of our own home manufacturers. The example of the gallant young Senator is commendable, and their domestic suits are very handsome.

Our young friend Senator HAYCAZ, being a promising young gentleman, tells us that he will follow the example of the Senators from Breckinridge and Fleming, by appearing hereafter dressed in brown jeans small clothes.

The peculiarities of the female constitution and the various trials to which the sex is subjected, demand an occasional recourse to stimulants. It is important, however, that these shall be of a harmless nature, and at the same time accomplish the desired end. Hostetler's Celebrated Stomach Bitters is the very article. Its effects in all cases of debility are almost magical. It restores the tone of the digestive organs, infuses fresh vitality into the whole system, and gives that cheerfulness to the temperament, which is the most valuable of feminine attractions. The proprietors feel flattered from the fact that many of the most prominent medical gentlemen in the Union have bestowed encomiums upon the Bitters, the virtues of which they have frequently tested and acknowledged. There are numerous counterfeits offered for sale, all of which are destitute of merit, and positively injurious to the system.

We call attention to the advertisement headed "Information wanted." Any member of the Legislature who knows anything of the families mentioned, will confer a favor by making it known at this or the Yeoman office, or by addressing C. H. BAXLEY, Louisville.

From the *Triuity* (Texas) Advocate we learn that the citizens of Anderson county held a meeting to take into consideration the abolition and incendiary publications in the country.

After passing the most patriotic resolutions they collected from the book-store such publications as were considered incendiary in their character, and then burned them in the presence of a large crowd.

The Washington correspondent of the *Cincinnati Enquirer* says: "It is stated here that Col. Thomas L. Crittenden, of Louisville, will immediately organize a regiment the moment vigorous measures are taken to carry out the President's recommendation in regard to Mexico."

Rev. Joseph Addison Alexander, D. D., Professor of Biblical and Ecclesiastical History in Princeton College, N. J., died on Saturday, aged 51 years.

DOMESTIC TRADE.—A man named Thomas Faulkner, of Halifax county, Va., who, while intoxicated, had a habit of abusing himself by frightening his wife, carried his joke a little too far a few days since. The *Richmond* says:

On this, as on previous occasions, he declared his intention of hanging himself. This he had done before, and had tied the rope to the joist, and then around his neck, always taking care, however, to have it long enough, so that, in stepping from the chair, box, or whatever he used on the occasion to elevate himself, he would easily reach the floor. On this occasion he tied the rope too short, and when he stepped from his elevation, instead of reaching the floor, broke his neck.

A Washington dispatch says:

Gov. Thomas does not take his place as Commissioner of Patents till March 1st, on account of private affairs. The business of the office will go on as usual. It is thought that McClellan, of Pittsburgh, will receive the nomination to the vacant U. S. Treasuryship. There are two or three applicants for it.

Substance of the Remarks of Mr. Burnham, of Madison, addressed in the House of Representatives, on the Bill in Relation to "The Effects of Jury Trials on Will Cases," on the 1st of February.

Mr. BURNHAM said:

Mr. Speaker.—The bill now under consideration was, at an early day of the session, reported by the committee on Revised Statutes, with an expression of opinion that it ought to be passed into a law. The bill is substantially the same with one passed by a large majority in the House of Representatives of the last Legislature, but which failed in the Senate on account of the lateness in the session in which it was called up. I am greatly surprised in the action of the Judiciary committee, who have reported this bill back to the House with expressions of hostility to its passage. My opinion, however, stands unaffected by their adverse report, and I trust the House, disregarding their report, will pass the bill. I propose briefly to state the reasons for this opinion.

In all common law suits in this State, juries are constituted the judges of the facts. By the act of 1797, which authorized wills to be contested in chancery, it was provided that a jury should be impaneled to try the issue, whether the writing in contest was or not the true last will and testament of the testator, and the law gave to the verdict of the jury the same force and effect that such verdicts have in all common law cases, neither more nor less. That law remained in force from the date of its enactment, in 1798, until the year 1859, when the Revised Statutes went into effect. It has been said by two of the commissioners entrusted with the revision of the Statutes, that the chapter on wills was not designed to change the effects of the verdicts of juries in will cases from what it was before; and by a large number of the most distinguished members of the legal profession, it is contended that its language does not make this change. The Court of Appeals, however, in the case of *Overton vs. Overton's ex'r.*, reported, in the 18th volume of Ben. Monroe's reports, in the case of Hooter's will, (manuscript opinion,) and in other cases have decided otherwise.

Wills are usually attacked upon three grounds, or one or more of them. Want of disposing capacity in the testator; undue influence brought to bear upon the maker of the will by similar influences; or fraud in the procurement of the paper set up and relied on as a valid will.

Now, Sir, upon the same grounds every other instrument of writing, and every verbal contract, or other transaction, which may be made the subject matter of litigation in courts, may be assailed and tried before a jury who are the judges of the facts. In the trial of indictments for murder, and all kinds of felonies, juries are the judges of the facts, and the main fact of the capacity of the accused to commit the crime for which he stands indicted and arraigned. Why should juries be made the judges of the facts in all other cases, civil and criminal, and not be in will cases? In these, and in all other cases, it is the province and duty of the court to instruct the jury what legal capacity is, what undue influence is, and what fraud is, and in all, except the first class wherein the validity of the wills is questioned, the jury apply the facts, and judge of their credibility, force and effect, and decide whether the facts proved come up to the standard of capacity, undue influence, or fraud, as expounded by the court. Juries also did this in will cases in this Commonwealth during a period of fifty-five years, and why shall not this power be restored to them? Why, I repeat the inquiry, and demand of the Honorable Chairman of the Judiciary committee an answer, are juries not competent to exercise this power in will cases as in all others?

Sir, I avow it as my deliberate conviction, that juries are much safer depositories and triers of facts than courts. The latter are professional men, withdrawn in a great degree from the pursuits and ordinary business of the masses of mankind, and whose judgments of classes of facts are often permanently impressed and warped by previous professional engagements. Twelve common sense men, of good character, selected from the mass of society, familiar with the pursuits and business of men generally, familiar with their motives and the principles and force that act upon them, and of the expedients and machinery which they employ to forward their ends, are much more reliable and safer judges of the application and effects of facts, than judges whose duties abstract them from the daily pursuits which constitute the chief interests of society. It is so in will cases.

The opportunity and legal means by which wills may be contested are given not to subvert wills properly made; not to impair that great right, secured to all men of sound minds and proper feelings, to dispose, by last will and testament, of the accumulations of their industry and inherited estate, and which I would be the last man on this floor to overthrow or to impair. I know, as Chancellor Kent has beautifully said, that "old age is apt to be solitary and neglected, and that the wills of old and feeble men should be regarded with the greatest tenderness and charity." The restoration of the power formerly conferred on juries proposed by this bill, in no wise conflicts with this time honored legal principle. But the legal right to contest wills is given to prevent wicked and crafty and interested persons from making wills for old, apernated and incompetent men, to prevent children and relations living with aged and childless parents, and who have obtained an undue influence over them from procuring those under their dominion and control to make wills, devising to them their property, disinheriting wholly, or, to a great extent, other children who may have left the family. It is to prevent crafty priests in the dying hour, slaves in the solitude of friendless chambers, and all intrigues daily associated with others, whose mind, will, and health have been enfeebled by age, disease and dissipated habits, from concocting fraudulent wills to be executed by such aged, infirm and disinterested persons, securing estates to themselves, and excluding those who have an equal natural right to the property of common ancestors. It is to prevent these things that the law guarantees the right to contest wills, and of the facts in such cases juries are much safer judges than courts.

If this proposition be denied, and the honorable Judiciary committee think juries unfit to decide on facts, why have they not recommended the abolition of jury trials altogether?

While they dare not do so, the trial by jury is one of the greatest bulwarks thrown around the rights and liberties of the citizen. It has descended to us as one of the leading principles in that great charter of English freedom, wrung out at Runnymede by the barons of England, from the fears of an ambitious and grasping despot. If a jury abuse its power in a will case, the court can give the same remedy that exists in all other cases by granting a new trial.

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## HOSTETTER'S STOMACH BITTERS.

The proprietors and manufacturers of HOS TETTER'S CELEBRATED STOMACH BITTERS can appeal with perfect confidence to physicians and citizens generally of the United States, because the article has attained a reputation heretofore unknown. A few facts upon this point will speak more powerfully than volumes of bare assertion, blazoning pufery. The consumption of Hostetter's Stomach Bitters for the last year amounted to over a half million bottles, and from its manifest steady increase in times past, it is evident that during the coming year the consumption will reach near one million bottles. This immense amount could never have been sold but for the rare medicinal properties contained in the preparation, and the sanction of the most prominent physicians in those sections of the country where the article is best known, who not only recommend the Bitters to their patients, but are ready at all times to give testimonials to its efficacy in all cases of stomachic derangements and the diseases resulting therefrom.

This is not a temporary popularity, obtained by extraordinary efforts in the way of trumpeting the qualities of the Bitters, but a solid estimation of an invaluable medicine, which is destined to be as enduring as time itself.

Hostetter's Stomach Bitters have proved a Godsend to regions where fever and ague and various other bilious complaints have counted their victims by hundreds. To be able to state confidently that the "Bitters" are a certain cure for the Dyspepsia and like diseases, is to the proprietors a source of unalloyed pleasure. It removes all morbid matter from the stomach, purifies the blood, and imparts renewed vitality to the nervous system, giving it that tone and energy indispensable for the restoration of health. It operates upon the stomach, liver, and other digestive organs, mildly but powerfully, and soon restores them to a condition essential to the healthy discharge of the functions of nature.

Elderly persons use the Bitters daily as per directions on the bottle, and they will find in it a stimulant peculiarly adapted to comfort declining years, as it is pleasant to the palate, invigorating to the bowels, excellent as a tonic, and rejuvenating generally. We have the evidence of thousands of aged men and women who have experienced the benefit of this preparation while suffering from stomachic derangements and general debility; acting under the advice of physicians, they have abandoned all deleterious drugs and fairly tested the merits of this article. A few words to the gentler sex. There are certain periods when their cares are so harassing that many of them sink under the trial. The relation of mother, and child is so absorbingly tender, that the mother, especially if she be young, is apt to forget her own health in her extreme anxiety for her infant. Should the period of maternity arrive during the summer season, the wear of body and mind is generally aggravated. Here, then, is a necessity for a stimulant to recuperate the energies of the system, and enable the mother to bear up under her exhausting trials and responsibilities. Nursing mothers generally prefer the Bitters to all other invigorators that receive the endorsement of physicians, because it is agreeable to the taste as well as certain to give a permanent increase of bodily strength.

All those persons, to whom we have particularly referred above, to wit: sufferers from fever and ague, caused by malaria, diarrhoea, dysentery, indigestion, loss of appetite, and all diseases or derangements of the stomach, supersupinated invalids, persons of sedentary occupation, and nursing mothers, will consult their own physical welfare by giving to Hostetter's Celebrated Stomach Bitters a trial.

CAUTION.—We caution the public against using any of the many imitations or counterfeits, but ask for HOSTETTER'S CELEBRATED STOMACH BITTERS, and see that each bottle has the words "Dr. J. Hostetter's Stomach Bitters" blown on the side of the bottle, and stamped on the metallic cap covering the cork, and observe that our autograph signature is on the label.

As Prepared and sold by HOSTETTER & SMITH, Pittsburgh, Pa., and sold by all druggists, grocers, and dealers generally throughout the United States, South America, and Germany.

For sale by all Druggists in PRANKFORT.

December 9, 1859—14.

Proclamation by the Governor.

\$250 REWARD.

COMMONWEALTH OF KENTUCKY,  
Executive Department.

WHEREAS, it has been made known to me that W. WILLIAM THOMPSON charged with the murder of JOHN MARTIN, made his escape from the Marion county jail about the 2nd of November, 1859, and is now at large.

Now, therefore, I, BERIAH MAGOFFIN, Governor of the aforesaid Commonwealth of Kentucky, do hereby order and command that a Reward of One Hundred and Fifty Dollars be offered for the apprehension of said Wm. Thompson and his delivery to the jailor of Marion county within one year from the date hereof.

IN TESTIMONY WHEREOF, I have caused to be made and caused the seal to be affixed to the Commonwealth to be affixed, this 1st day of June, A. D. 1860, and in the 65th year of the Commonwealth.

Given under my hand and seal this 1st day of June, A. D. 1860, and in the 65th year of the Commonwealth.

By the Governor: B. MAGOFFIN.

Geo. E. MORROW, Jr., Secretary of State

By Jas. W. TATE, Assistant Secretary

DESCRIPTION:

Thompson is 17 or 18 years of age, of slender build; dark hair and eyes, was slightly crooked and rather inclined to close; wears a slight moustache, barely discernible, and no other beard, and is of fair complexion. A youth of appearance.

John 11, 1860—14.

Proclamation by the Governor.

\$250 REWARD.

COMMONWEALTH OF KENTUCKY,  
Executive Department.

WHEREAS, it has been made known to me that A. CHIBAHL RUTHERFORD, under sentence of death, was executed on A. M. Stark, of Todd county, on the 15th day of September, 1859, and on the 19th instant, escaped from the county jail of Muhlenburg county, and is now at large.

Now, therefore, I, BERIAH MAGOFFIN, Governor of the aforesaid Commonwealth of Kentucky, do hereby offer a reward of Five Hundred Dollars for the apprehension of said Rutherford, and his delivery to the jailor of Muhlenburg county, within one year from the date hereof.

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By the Governor: B. MAGOFFIN.

Geo. E. MORROW, Jr., Secretary of State

By Jas. W. TATE, Assistant Secretary

DESCRIPTION:

Rutherford is about 5 feet 6 inches high; weighs 160 pounds; has a heavy set; square shouldered; black hair, very wavy; has a large scar on his forehead, over his right eye, which extends to his forehead. He walks on a black cloth coat; has a quick step, and walks crooked; is quick spoken; disposed to be talkative; is a single man; about 28 years of age, and has a large head.

John 11, 1860—14.

Proclamation by the Governor.

\$250 REWARD.

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John 11, 1860—14.

Proclamation by the Governor.

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IN TESTIMONY WHEREOF, I have caused to be made and caused the seal to be affixed to the Commonwealth to be affixed, this 1st day of June, A. D. 1860, and in the 65th year of the Commonwealth.

Given under my hand and seal this 1st day of June, A. D. 1560, and in the 65th year of the Commonwealth.

By the Governor: B. MAGOFFIN.

Geo. E. MORROW, Jr., Secretary of State

By Jas. W. TATE, Assistant Secretary

DESCRIPTION:

Rutherford is about 5 feet 6 inches high; weighs 160 pounds; has a heavy set; square shouldered; black hair, very wavy; has a large scar on his forehead, over his right eye, which extends to his forehead. He walks on a black cloth coat; has a quick step, and walks crooked; is quick spoken; disposed to be talkative; is a single man; about 28 years of age, and has a large head.

John 11, 1560—14.

Proclamation by the Governor.

\$250 REWARD.

COMMONWEALTH OF KENTUCKY,  
Executive Department.

WHEREAS, it has been made known to me that A. CHIBAHL RUTHERFORD, under sentence of death, was executed on A. M. Stark, of Todd county, on the 15th day of September, 1859, and on the 19th instant, escaped from the county jail of Muhlenburg county, and is now at large.

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IN TESTIMONY WHEREOF, I have caused to be made and caused the seal to be affixed to the Commonwealth to be affixed, this 1st day of June, A. D. 1560, and in the 65th year of the Commonwealth.

Given under my hand and seal this 1st day of June, A. D. 1560, and in the 65th year of the Commonwealth.

By the Governor: B. MAGOFFIN.

Geo. E. MORROW, Jr., Secretary of State

By Jas. W. TATE, Assistant Secretary

DESCRIPTION:

Rutherford is about 5 feet 6 inches high; weighs 160 pounds; has a heavy set; square shouldered; black hair, very wavy; has a large scar on his forehead, over his right eye, which extends to his forehead. He walks on a black cloth coat; has a quick step, and walks crooked; is quick spoken; disposed to be talkative; is a single man; about 28 years of age, and has a large head.

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